

Before the
Administrative Hearing Commission
State of Missouri



TISHA L. JACKSON,)	
)	
Petitioner,)	
)	
vs.)	No. 13-0506 CB
)	
MISSOURI BOARD OF COSMETOLOGY)	
AND BARBER EXAMINERS,)	
)	
Respondent.)	

DECISION

We grant the motion to dismiss filed by the Missouri Board of Cosmetology and Barber Examiners (“the Board”) because the case is moot.

Procedure

On April 1, 2013, Tisha L. Jackson filed a complaint appealing the Board’s decision denying her a temporary license and permission to test for licensure. On August 2, 2013, we held a hearing on the complaint. Scott T. Evans, with The Law Offices of Tina M. Crow Halcomb, LLC, represented the Board. Neither Jackson nor anyone representing her appeared. At the hearing, the Board asserted that the case was moot because it had issued a license to Jackson. We continued the hearing until September 4, 2013, for the Board to provide evidence of this.

On August 6, 2013, the Board filed a motion to dismiss. We gave Jackson until August 19, 2013, to respond to the motion, but she did not respond. The following facts are undisputed.

Findings of Fact

1. On April 1, 2013, Jackson filed a complaint appealing the Board's decision denying her a temporary license and permission to test for licensure.
2. On July 11, 2013, the Board issued Jackson a Class CA – Hairdressing and Manicuring license.

Conclusions of Law

We have jurisdiction to hear Jackson's complaint.¹ The applicant has the burden to show that he or she is entitled to licensure.²

The Board asks us to dismiss the case because it issued Jackson a license. Attached to the motion to dismiss is a copy of a Class CA – Hairdressing and Manicuring license issued to Jackson, but there is no affidavit authenticating the exhibit. Documents must be made a part of the record before we can rely on them in making a ruling.³ “An unverified and unsupported motion does not prove itself.”⁴ A document attached to a motion has no probative value unless it is supported by an affidavit.⁵ We consider this document as evidence only because Jackson did not object to it, and where no objection is made, hearsay evidence in the records can and must be considered in administrative hearings.⁶

¹ Section 621.045, RSMo. Supp. 2012.

² Section 621.120, RSMo 2000.

³ See *Saunders-Thalden and Assoc. v. Thomas Berkeley Consulting Engineer, Inc.*, 825 S.W.2d 385, 387 (Mo. App., W.D. 1992).

⁴ *Brown v. Upjohn Co.*, 655 S.W.2d 758, 760 (Mo. App., E.D. 1983).

⁵ *Id.* at 759.

⁶ *Clark v. FAG Bearings Corp.*, 134 S.W.3d 730, 736 (Mo. App., S.D. 2004) (citing *Dorman v. State Bd. of Regis'n for the Healing Arts*, 62 S.W.3d 446, 454 (Mo. App., W.D. 2001)).

We do not know what type of license Jackson applied for because she did not include a copy of the denial letter with her complaint and the Board did not file an answer. But we consider Jackson's failure to file anything in this case beyond the complaint and failure to attend the first scheduled hearing as evidence that this license was what she was seeking.

A case is moot when a decision on the merits would have no practical effect on existing controversy or where it is impossible to grant any effective relief.⁷ "When an event occurs that makes a [tribunal's] decision unnecessary or makes granting effectual relief by the [tribunal] impossible, the case is moot and generally should be dismissed."⁸

Because the Board granted Jackson a license – the relief sought by Jackson's complaint – the case is moot. We grant the motion to dismiss.

Summary

We grant the Board's motion to dismiss and cancel the hearing.
SO ORDERED on August 26, 2013.

/s/ Mary E. Nelson
MARY E. NELSON
Commissioner

⁷ *Rosenfeld v. Thoele*, 28 S.W.3d 446, 451 (Mo. App., E.D. 2000).

⁸ *Hihn v. Hihn*, 235 S.W.3d 64, 68 (Mo. App., E.D. 2007).